

### **LISTING OF CLAIMS**

Claim 1 (Previously Presented). A process for developing real estate, comprising the steps of: separating private easements for the provision of common services in a developed community from dedicated public rights-of-way; establishing one or more decision making authorities/access entities to control said private easements as privately owned entities and to identify and contract with various service providers; precluding access to said private easements by individual lot owners in said developed community and governmental franchisees for providing said common services; and providing said common services to said developed community through said one or more decision making authorities/access entities, said one or more decision making authorities/access entities obtaining common services from one or more common services providers, respectively.

Claim 2 (Previously Presented). The process of claim 1 wherein said separating step comprises the steps of: acquiring fee simple ownership in a parcel of real estate for developing into a community; transferring exclusive rights in and to said common services easements within said parcel to said at least one decision making authority/access entity; and dedicating public rights-of-way for roadways, curbs, and sidewalks to a municipality, said dedicated public rights-of-way being taken by said municipality subject to said exclusive rights, said municipality having no control over common services access as a result of said dedicated public rights-of-way, said common services providers having acquired rights through said municipality having no access to said community.

Claim 3 (Previously Presented). The process of Claim 2 wherein said exclusive rights comprise in gross easements and specific area easements.

Claim 4 (Original). The process of Claim 2 wherein said exclusive rights comprise specific area easements, and wherein any other easements for providing common services within said

developed community are restricted by declarations, covenants and restrictions governing and running with said parcel of real estate.

Claim 5 (Previously Presented). The process of Claim 2 wherein said developer entity and said decision making authority/access entity are separate legally recognized entities.

Claim 6 (Previously Presented). The process of Claim 2 wherein said exclusive rights transferred by said developer entity to said decision making authority/access entity include the right to establish infrastructure for common services on both commonly owned and privately owned areas within said community.

Claim 7 (Previously Presented). The process of Claim 2 wherein said exclusive rights transferred by said developer entity to said decision making authority/access entity include the rights to contract with providers of common services for providing said common services to said community.

Claim 8 (Previously Presented). The process of Claim 2 further comprising the step of recording said transferring of said exclusive rights with an appropriate governmental real estate records office before said dedicating step, said common services easements appearing within the chain of title of said parcel before said dedication of said public rights-of-way and said municipality takes said dedication subject to said exclusive rights.

Claim 9 (Original). The process of Claim 2 wherein said common services comprise one or more services selected from the group of services consisting of: cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services, and security monitoring services.

Claim 10 (Original). The process of Claim 2 wherein said common services comprise one or more services selected from a group of deregulated utility services consisting of: sewer services, water services, gas services, and electricity services.

Claim 11 (Original). The process of Claim 2 wherein each step is performed pursuant to obligations arising out of a system of interrelated contractual requirements regarding the development of said community.

Claim 12 (Previously Presented). The process of Claim 1 further comprising: implementing a fee structure that encourages the owner of said private common services easements to enter into and maintain license arrangements that permit at least one licensee to utilize said private common services easements for providing common services to said community; said license arrangements providing a competitive shield for establishing said licensees as preferred sources of common services for said community.

Claim 13 (Previously Presented). The process of Claim 12 wherein said owner of said private common services easements is at least one private decision making authority/access entity.

Claim 14 (Previously Presented). The process of Claim 13 wherein said separating step comprises the steps of: acquiring fee simple ownership in a parcel of real estate for developing into a community; transferring exclusive rights of said common services easements in said parcel to said at least one access entity; and dedicating public rights-of-way for roadways, curbs, and sidewalks to a municipality, said dedicated public rights-of-way being taken by said municipality subject to said exclusive rights, said municipality having no control over common services access as a result of said dedicated public rights-of-way, and said common services providers having acquired rights through said municipality having no access to said community.

Claim 15 (Previously Presented). The process of Claim 14 wherein said common services comprise advanced bundled telecommunication services.

Claim 16 (Previously Presented). The process of Claim 14 wherein said common services comprise premium advanced bundled telecommunication services.

Claim 17 (Previously Presented). The process of Claim 13 wherein said competitive shield comprises minimum access fee amounts and most favored nations status under which said private decision making authority/access entity may grant licenses to other common service providers in the event said fee structure is equaled or bettered by another common service provider.

Claim 18 (Previously Presented). The process of Claim 17 wherein said competitive shield additionally comprises a reduction in said access fee amounts when said common services comprise advanced bundled telecommunication services, said reduction being coupled to aggregate amounts of individualized access fees for individual services included in said common services.

Claim 19 (Previously Presented). The process of Claim 12 wherein said license arrangement permit said licensee to sublicense use of said private easements to individual providers of services included in said common services.

Claim 20 (Previously Presented). The process of Claim 1 further comprising entering into a license arrangement with a decision making authority/access entity that owns and controls at least some of the common services easements of a parcel of real estate to be developed as a community, said license arrangement permitting access to and utilization of said easements; and utilizing said easements for providing common services to said community; wherein owners of lots within said community contract with a single source provider for the provision or coordination of said common services.

Claim 21 (Previously Presented). The process of Claim 20 wherein said decision making authority/access entity has beneficial and exclusive ownership of and control over all access to said common services easements within said developed community.

Claim 22 (Previously Presented). The process of Claim 21 wherein said beneficial and exclusive ownership of and control over said access to said common services easements is created by a process which comprises the steps of: acquiring fee simple ownership in a parcel of real estate

for developing into a community; transferring exclusive rights of said common services easements in said parcel to at least one said access entity; and dedicating public rights-of-way of said parcel for roadways, curbs, and sidewalks to a municipality, said dedicated public rights-of-way being taken by said municipality subject to said exclusive rights, said municipality having no control over common services access as a result of said dedicated public rights-of-way, and said common services providers having acquired rights through said municipality having no access to said community.

Claim 23 (Original). The process of Claim 20 wherein said common services are provided to a plurality of lots in said community over fewer than three cables.

Claim 24 (Original). The process of Claim 23 wherein said cables are of a type selected from the group of cables consisting of co-axial and fiber optic cables.

Claim 25 (Original). The process of Claim 20 wherein said license arrangement permits said single source provider to sublicense utilization of said easements to a plurality of individual providers of services included in said common services.

Claim 26 (Previously Presented). The process of Claim 25 wherein at least one of said individual service providers is a wholly owned subsidiary of said single source provider.

Claim 27 (Original). The process of Claim 25 wherein said individual providers provide said common services to said single source at a central receiving facility wherefrom said single source distributes said common services to a plurality of lots in said community.

Claim 28 (Original). The process of Claim 20 wherein said common services comprise one or more services selected from the following group of services consisting of: cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services, and security monitoring services.

Claim 29 (Original). The process of Claim 20 wherein said common services comprise one or more services selected from a group of deregulated utility services consisting of: sewer services, water services, gas services, and electricity services.

Claim 30 (Previously Presented). The process of Claim 20 wherein said common services comprise advanced bundled telecommunication services.

Claim 31 (Previously Presented). The process of Claim 20 wherein said common services comprise premium advanced bundled telecommunication services.

Claim 32 (Original). The process of Claim 20 wherein said license arrangement is entered into pursuant to obligations arising out of a system of interrelated contractual requirements regarding the development of said community.

Claim 33 (Previously Presented). The process of Claim 1 wherein said separating step comprises: acquiring fee simple title in a parcel of real estate by a developer; separating in gross common services easements from said fee simple title; separating the public right-of-way from said common services easements and said fee simple title; separating all other easements from said common services easements and from said public right-of-way and from said fee simple title; transferring at least one of said common services and all other easements to a privately owned company for a fee; and dedicating said public right-of-way to the public; said public right-of-way being dedicated subject to said common services and all other easements previously transferred to said privately owned company thereby eliminating public control over said transferred easements and all public rights to access to said parcel for providing common services.

Claim 34 (Original). The method of Claim 33 wherein said steps further comprise said privately owned company constructing utility conduits on said parcel in accordance with said easements licensed to said company, said privately owned company sub-licensing service providers for a fee to provide common services to owners of any portion of said

parcel, and said privately owned company allowing said sub-licensed common services providers to use said conduits.

Claim 35 (Original). The method of Claim 33 wherein said common services providers provide one or more common services to owners of portions of said parcel selected from the group of services consisting of cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services and security monitoring services.

Claim 36 (Original). The method of Claim 33 wherein said common services providers provide one or more common services to owners of portions of said parcel selected from the group of deregulated utility services consisting of sewer services, water services, gas services, and electricity services.

Claim 37 (Original). The method of Claim 33 wherein said fee is proportioned and passed on to said private company by said service providers.

Claim 38 (Original). The method of Claim 37 wherein said fee is proportioned and passed on to the owner of said privately owned company.

Claim 39 (Original). The method of Claim 38 further comprising the steps of said owner of said privately owned company developing a market plan for selling portions of said parcel by a developer, and said owner engaging in the training of said developer in marketing portions of said parcel.

Claim 40 (Original). The method of Claim 39 further comprising the steps of said developer contracting the construction of roads, other common infrastructure, homes on individual portions of said parcel, and the construction on said parcel and the development of said parcel.

Claim 41 (Original). The method of Claim 34 wherein said privately owned company manages all of said sub-licensed service providers.

Claim 42 (Previously Presented). The method of Claim 1 wherein said common services are provided to developed community through a single source.

Claim 43 (Previously Presented). The process of Claim 12 wherein said license agreements provide common services for said community through a single source.

Claim 44 (Previously Presented). The process of Claim 2 wherein said transferring step includes examining the recorded title documents relating to said parcel of real estate to determine what easements, reversions and other property rights exist that said parcel of real estate is subject relating to access by a common service provider to said parcel, and determining that no such easements, reversions or other property rights exist or otherwise relieving said parcel of real estate of said property rights prior to defining exclusive rights in and to said common service easements within said parcel of real estate and transferring said exclusive rights to said access entity.

Claim 45 (Previously Presented). The process of Claim 2 wherein said dedication of said public rights-of-way for roadways, curbs, and sidewalks consists of the dedication of only surface rights for roadways, curbs, and sidewalks with the sub-surface rights being reserved and maintained as common areas.

Claim 46 (Previously Presented). The process of Claim 5 wherein said developer entity transfers exclusive rights in and to said common areas to a lot owners association.

Claim 47 (Previously Presented). The process of Claim 2 wherein said exclusive rights are transferred by said transferring step in gross.

Claim 48 (Previously Presented). The process of Claim 22 wherein said transferring step includes examining the recorded title documents relating to said parcel of real estate to determine what easements, reversions and other property rights exist that said parcel of real estate is subject with regard to access by a common service provider to said parcel, and determining that no such easements, reversions or other property rights exist or otherwise relieving said parcel of real estate



of said property rights prior to defining exclusive rights in and to said common service easements within said parcel of real estate and transferring said exclusive rights to said access entity.

Claim 49 (Previously Presented). The process of Claim 22 wherein said dedication of said public rights-of-way for roadways, curbs, and sidewalks consists of the dedication of only surface rights for roadways, curbs, and sidewalks with the sub-surface rights being reserved and maintained as common areas.

Claim 50 (Previously Presented). The process of Claim 22 wherein the exclusive rights in and to said common areas are transferred to a lot owners association.

Claim 51 (Previously Presented). The process of Claim 22 wherein said exclusive rights are transferred in gross.

Claim 52 (Previously Presented). The process of Claim 27 wherein said single source distributes said common services to a plurality of lots in said community through a computer network.

Claim 53 (Previously Presented). The process of Claim 33 wherein said transferring step includes examining the recorded title documents to said parcel of real estate to determine what easements, reversions and other property rights that said parcel of real estate is subject relating to access to said parcel of real estate by a common service provider, and determining that no such easements, reversions or other property rights exist or otherwise relieving said parcel of real estate from said property rights prior to defining exclusive rights in and to said common service easements within said parcel of real estate and transferring said exclusive rights to said access entity.

Claim 54 (Previously Presented). The process of Claim 33 wherein said dedication of said public rights-of-way for roadways, curbs, and sidewalks consists of the dedication of only surface rights for roadways, curbs, and sidewalks with the sub-surface rights being reserved and maintained as common areas.

Claim 55 (Previously Presented). The process of Claim 33 wherein said easements in and to said common areas are transferred to a lot owners association.

Claim 56 (Previously Presented). The process of Claim 33 wherein said easements are transferred in gross.

Claim 57 (Cancelled).

Claim 58 (Cancelled).

Claim 59 (Previously Presented). The process of Claim 2 further comprising said access entity licensing a service provider for the provision of services to said developed community.

Claim 60 (Cancelled).

Claim 61 (Previously Presented). The process of Claim 1 wherein said separating step includes transferring exclusive rights in and to said common services easements within said parcel to said one or more decision making authority.

Claim 62 (Previously Presented). The process of Claim 61 wherein said exclusive rights comprise in gross easements and specific area easements.

Claim 63 (Previously Presented). The process of Claim 61 wherein said exclusive rights comprise specific area easements.

Claim 64 (Previously Presented). The process of Claim 61 wherein all easements for providing common services within said developed community are restricted by declarations, covenants, and restrictions governing and running with said parcel of real estate.

Claim 65 (Previously Presented). The process of Claim 1 further comprising said one or more decision making authorities having the right to establish infrastructure for common services on both commonly owned and privately owned areas within said community.

Claim 66 (Previously Presented). The process of Claim 1 further comprising said one or more decision making authorities having the rights to contract with providers of common services for the provision of said common services to said community.

Claim 67 (Previously Presented). The process of Claim 61 further comprising the step of recording said transferring of said exclusive rights in said or one or more decision making authorities with an appropriate governmental real estate records office before dedicating public rights-of-way for roadways, curbs, and sidewalks to a municipality, said common services easements appearing within the chain of title of the real estate of said developed community before said dedication of said public rights-of-way, said municipality taking said dedication subject to said exclusive rights.

Claim 68 (Previously Presented). The process of Claim 1 wherein said common services comprise one or more services selected from the group of services consisting of: cable services, internet services, intranet services, local telephone services, long distance telephone services, video-on-demand services, and security monitoring services.

Claim 69 (Previously Presented). The process of Claim 1 wherein said common services comprise one or more services selected from a group of deregulated utility services consisting of: sewer services, water services, gas services, and electricity services.

Claim 70 (Previously Presented). The process of Claim 1 wherein each step is performed pursuant to obligations arising out of a system of interrelated contractual requirements regarding the development of said community.